

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-Filed

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
DEAN ALAN WARNER
8349 YAMHILL STREET
LAS VEGAS, NV 89123

CHAPTER 13
CASE NO: BKS-10-14983-BTB

Hearing Date: August 19, 2011
Hearing Time: 2:00 PM

TRUSTEE'S OBJECTION TO LATE-FILED PROOF OF CLAIM OF LISA BENNETT DC

COMES NOW, the Chapter 13 Trustee, Rick A. Yarnall, and files herewith the **Objection to Late-Filed Proof of Claim of Lisa Bennett DC** as follows:

The Debtor(s) filed for Chapter 13 bankruptcy relief on March 25, 2010. The Debtor(s) Chapter 13 Plan was confirmed on August 4, 2010 and the bar date for filing claims was August 02, 2010. Creditor, LISA BENNETT DC (Bankruptcy Clerk's Claim # 17) filed a Late Filed Unsecured Proof of Claim in the above-captioned bankruptcy case on May 26, 2011 in the amount of \$980.37.

11 U.S.C. 502(a) states in pertinent part:

(a) A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor of a general partner in a partnership that is a debtor in a case under Chapter 7 of this title, objects.

Therefore, the Trustee contends that the creditor's Proof of Claim was not timely filed and for that reason, requests this Court disallow said claim in its entirety.

Submitted by:

/s/Rick A. Yarnall
Rick A. Yarnall, Chapter 13 Bankruptcy Trustee
701 Bridger Ave, Suite 820
Las Vegas, NV 89101
(702) 853-4500
lp

UNITED STATES BANKRUPTCY COURT

District of Nevada

PROOF OF CLAIM

Name of Debtor:

Dean Alan Warner

Case Number:

NVBKE 10-14983-bth

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

Lisa Bennett DC

Name and address where notices should be sent:

Jay A. Kenyon, Esq.

7881 West Charleston Blvd, Suite 165
Las Vegas, NV 89117

Telephone number:

702.888.0000

Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number:

(If known)

Filed on:

Name and address where payment should be sent (if different from above):

Lisa Bennett DC

7720 W SAHARA AV 104
Las Vegas, NV 89117

Telephone number:

702.240.0500

Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 980.37

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

\$

2. Basis for Claim: Services Performed
(See instruction #2 on reverse side.)3. Last four digits of any number by which creditor identifies debtor: 1078

3a. Debtor may have scheduled account as:
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other
Describe:

Value of Property: \$ Annual Interest Rate %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ Basis for perfection:

Amount of Secured Claim: \$ Amount Unsecured: \$

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:

05/23/2011

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

*Amounts are subject to adjustment on 4/1/12 and every 5 years thereafter with respect to cases commenced on or after the date of adjustment.

CLERK

FOR COURT USE ONLY
FILED
26 PM '11

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.